

APPEAL, COPYRT

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10460-RWZ**

Quaglia v. Bravo Networks et al
Assigned to: Judge Rya W. Zobel
Cause: 17:101 Copyright Infringement

Date Filed: 03/05/2004
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Frank Quaglia

represented by **Chris Winton Henderson**
Chris Winton Henderson,
Attorney at Law
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TERMINATED: 06/10/2005
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V.

Defendant

Bravo Networks

represented by **Jonathan M. Albano**
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150 Federal Street
Boston, MA 02110
617-951-8000
Fax: 617-951-8736
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LEAD ATTORNEY
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Defendant

**National Broadcasting
Company, Inc.**
doing business as
NBC

represented by **Daniel Kummer**
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212-664-6572
LEAD ATTORNEY
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Jonathan M. Albano
(See above for address)
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Defendant

**Rainbow Programming
Holdings, Inc.**

represented by **Barry I Slotnick**
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345 Park Avenue
New York, NY 10154-0037
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Defendant

Does 1-10

represented by **Jonathan M. Albano**
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Defendant

NBC Universal, Inc.

represented by **Jonathan M. Albano**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/05/2004	<u>1</u>	COMPLAINT against Bravo Networks, Does 1-10, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc. Filing fee: \$ 150, receipt number 54327, filed by Frank Quaglia.(Edge, Eugenia) (Entered: 03/09/2004)
03/05/2004	<u>2</u>	MOTION/APPLICATION for Leave to Appear Pro Hac Vice by Douglas Johnson by Frank Quaglia. Fee not paid.(Edge, Eugenia) (Entered: 03/09/2004)

03/05/2004	● <u>3</u>	MOTION/APPLICATION for Leave to Appear Pro Hac Vice by Neville Johnson by Frank Quaglia. Fee not paid. (Edge, Eugenia) (Entered: 03/09/2004)
03/05/2004	●	Summons Issued as to Bravo Networks, Does 1-10, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Edge, Eugenia) (Entered: 03/09/2004)
03/05/2004	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Edge, Eugenia) (Entered: 03/09/2004)
03/05/2004	●	Filing fee: \$ 100.00, receipt number 54327 (3) regarding Motion to Appear Pro Hac Vice (Edge, Eugenia) (Entered: 03/15/2004)
03/05/2004	●	Judge George A. O'Toole Jr.: Edorsed ORDER on Motion entered granting <u>2</u> Motion for Leave to Appear Pro Hac Vice Added Neville L. Johnson for Frank Quaglia, Douglas L. Johnson for Frank Quaglia, granting <u>3</u> Motion for Leave to Appear Pro Hac Vice Added Neville L. Johnson for Frank Quaglia, Douglas L. Johnson for Frank Quaglia . cc/cl (Edge, Eugenia) (Entered: 03/15/2004)
04/14/2004	● <u>4</u>	MOTION for Extension of Time to April 30, 2004 to file a responsive pleading to plaintiff's complaint by Bravo Networks, Does 1-10, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc..(Lyness, Paul) (Entered: 04/20/2004)
04/14/2004	● <u>5</u>	NOTICE OF CERTIFICATE OF SERVICE by Frank Quaglia. (Lyness, Paul) (Entered: 04/20/2004)
04/21/2004	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>4</u> Motion for Extension of Time (Lyness, Paul) (Entered: 04/21/2004)
04/29/2004	● <u>6</u>	MOTION for Leave to Appear Pro Hac Vice by Barry I. Slotnick and Laura M. Vasey Filing fee \$ 100.00, receipt number 55614. by Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u> Affidavit of Barry I. Slotnick# <u>2</u> Affidavit of Laura M. Vasey)(Barrette, Mark) (Entered: 05/05/2004)
04/30/2004	● <u>7</u>	MOTION for Leave to Appear Pro Hac Vice by Daniel M. Kummer Filing fee \$ 50.00, receipt number 55620. by Bravo Networks, National Broadcasting Company, Inc., Rainbow

		Programming Holdings, Inc.. (Attachments: # <u>1</u> Affidavit of Daniel M. Kummer)(Barrette, Mark) (Entered: 05/05/2004)
04/30/2004	<u>8</u>	ANSWER to Complaint by Bravo Networks, National Broadcasting Company, Inc..(Barrette, Mark) (Entered: 05/06/2004)
04/30/2004	<u>9</u>	ANSWER to Complaint by Rainbow Programming Holdings, Inc..(Barrette, Mark) (Entered: 05/06/2004)
04/30/2004	<u>10</u>	CORPORATE DISCLOSURE STATEMENT by Bravo Networks, National Broadcasting Company, Inc.. (Barrette, Mark) (Entered: 05/06/2004)
04/30/2004	<u>11</u>	CORPORATE DISCLOSURE STATEMENT by Rainbow Programming Holdings, Inc.. (Barrette, Mark) (Entered: 05/06/2004)
05/07/2004	<u>1</u>	Judge George A. O'Toole Jr.: ORDER entered ORDER OF RECUSAL. Pursuant to 28 U.S.C. sec. 455(b)(4), I recuse myself from participation in this case and direct the Clerk forthwith to randomly reassign the case to another District Judge. cc/cl (O'Toole, George) Modified on 5/10/2004 (Barrette, Mark). (Entered: 05/07/2004)
05/11/2004	<u>1</u>	Case reassigned to Judge Rya W. Zobel. Judge George A. O'Toole no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Urso, Lisa) (Entered: 05/11/2004)
05/11/2004	<u>12</u>	NOTICE of Scheduling Conference Scheduling Conference set for 6/2/2004 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 05/11/2004)
05/25/2004	<u>19</u>	JOINT STATEMENT of counsel for Local Rule 16.1 Conference. (Barrette, Mark) (Entered: 06/08/2004)
05/26/2004	<u>13</u>	JOINT STATEMENT re scheduling conference. (Johnson, Jay) (Entered: 05/27/2004)
05/26/2004	<u>14</u>	CERTIFICATION pursuant to Local Rule 16.1 by Rainbow Programming Holdings, Inc..(Johnson, Jay) (Entered: 05/27/2004)
05/26/2004	<u>15</u>	CERTIFICATION pursuant to Local Rule 16.1 by Bravo Networks.(Johnson, Jay) (Entered: 05/27/2004)
05/27/2004	<u>16</u>	CERTIFICATION pursuant to Local Rule 16.1 by Frank

		Quaglia.(Johnson, Jay) (Entered: 06/01/2004)
05/28/2004	● <u>17</u>	NOTICE by Frank Quaglia of Plaintiffs Supplemental Points and Authorities Regarding Joint Fed.R.Civ.P.26(f) Report re <u>13</u> Joint statement re scheduling conference (Johnson, Jay) (Entered: 06/02/2004)
06/02/2004	●	electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 6/2/2004; Pro hac motions allowed; discovery plan through P. F allowed; Further Scheduling Conference set for 12/2/2004 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 06/03/2004)
06/02/2004	● <u>18</u>	CERTIFICATION pursuant to Local Rule 16.1 by Frank Quaglia.(Johnson, Jay) (Entered: 06/04/2004)
11/12/2004	● <u>20</u>	JOINT MOTION for Extension of Discovery Schedule by Bravo Networks, National Broadcasting Company, Inc., Frank Quaglia, Rainbow Programming Holdings, Inc..(Johnson, Jay) (Entered: 11/15/2004)
11/16/2004	●	Judge Rya W. Zobel : endorsed ORDER entered granting <u>20</u> Motion for Extension of Time to Complete Discovery. (Urso, Lisa) (Entered: 11/17/2004)
11/30/2004	●	Judge Rya W. Zobel : ORDER entered re <u>20</u> MOTION for Extension of Time to Complete Discovery filed by National Broadcasting Company, Inc., Frank Quaglia, Bravo Networks, Rainbow Programming Holdings, Inc. Allowed as to item 1 above. Further scheduling conference set for 2/10/05 at 2:30 p.m.(Urso, Lisa) (Entered: 12/01/2004)
01/20/2005	●	Judge Rya W. Zobel : electronicORDER entered granting <u>6</u> Motion for Leave to Appear Pro Hac Vice Added Barry I Slotnick for Rainbow Programming Holdings, Inc., Laura M. Vasey for Rainbow Programming Holdings, Inc., granting <u>7</u> Motion for Leave to Appear Pro Hac Vice Added Barry I Slotnick for Rainbow Programming Holdings, Inc., Laura M. Vasey for Rainbow Programming Holdings, Inc. (Urso, Lisa) (Entered: 01/20/2005)
02/10/2005	●	electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Further Scheduling Conference held on 2/10/2005. Plaintiff is seeking new counsel; notice of new attorney appearance by 3/10/05; attorney's motion to withdraw will be

		allowed upon filing of new counsel; (Urso, Lisa) (Entered: 02/11/2005)
03/10/2005	● <u>22</u>	Letter/request for new counsel (non-motion) from Frank Quaglia. (Johnson, Jay) (Entered: 03/15/2005)
03/11/2005	● <u>21</u>	Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT. Plaintiff shall obtain new counsel by 4/1/05 and counsel shall file an appearance on or before that date. The request to compel discovery is denied pending the appearance of new counsel.(Urso, Lisa) (Entered: 03/11/2005)
03/17/2005	● <u>23</u>	NOTICE of Substitution of Counsel (proposed order thereon) by Chris Winton Henderson, Douglas L. Johnson, Neville L. Johnson on behalf of Frank Quaglia (Johnson, Jay) (Entered: 03/17/2005)
03/25/2005	● <u>24</u>	Letter/request (non-motion) from Neville Johnson re: withdrawing attorneys (Urso, Lisa) (Entered: 03/25/2005)
03/28/2005	●	Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT re <u>23</u> Notice of Appearance filed by Frank Quaglia. The court previously ordered that current counsel could withdraw their appearance upon the filing of an appearance by successor counsel, not plaintiff, pro se. That order stands. Plaintiff shall find counsel or explain why he cannot and whether he intends to proceed pro se if he cannot find counsel, by 4/1/05. (Urso, Lisa) (Entered: 03/28/2005)
03/31/2005	● <u>25</u>	Letter/request (non-motion) from Frank Quaglia re; more time for appointment of counsel (Urso, Lisa) (Entered: 03/31/2005)
04/01/2005	●	Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT re <u>25</u> Letter/request (non-motion). Treating this as a motion for a further extension of time, plaintiff shall serve it on all counsel, including his, and he shall indicate how much additional time he needs.(Urso, Lisa) (Entered: 04/04/2005)
04/07/2005	● <u>26</u>	Letter/request (non-motion) from Frank Quaglia regarding new counsel. (Johnson, Jay) (Entered: 04/08/2005)
04/11/2005	●	Judge Rya W. Zobel : endorsed ORDER entered. ELECTRONIC ENDORSEMENT re <u>26</u> Letter/request (non-motion) Scheduling Conference set for 6/9/2005 02:00 PM in

		Courtroom 12 before Judge Rya W. Zobel. Treating the attached letter as a motion for a further extension of time, it is allowed. Counsel shall enter an appearance no later that 6/1/05. There will be no further extensions. A further scheduling conference will take place on 6/9/05 at 2:00 p.m.(Urso, Lisa) (Entered: 04/11/2005)
04/27/2005	● <u>27</u>	NOTICE of Lien filed by Neville L. Johnson (Johnson, Jay) (Entered: 04/28/2005)
05/31/2005	● <u>28</u>	NOTICE of Pro Se Representation by Frank Quaglia (Johnson, Jay) (Entered: 06/01/2005)
05/31/2005	● <u>29</u>	MOTION to Compel by Frank Quaglia.(Johnson, Jay) (Entered: 06/01/2005)
06/09/2005	●	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Further Scheduling Conference held on 6/9/2005. 1-2 days for jury trial; sumamry judgment filed 7/22/05; opposition 8/5/05; reply of 5 pages 8/19/05; hearing set for 8/25/05 at 2:30 p.m. Parties to go forward with experts; motion to compel to be ruled on once opposition is filed. (Urso, Lisa) (Entered: 06/10/2005)
06/14/2005	● <u>30</u>	MEMORANDUM in Opposition re <u>29</u> MOTION to Compel filed by NBC Universal, Inc., Bravo Networks. (Johnson, Jay) (Entered: 06/15/2005)
06/14/2005	● <u>31</u>	EXHIBITS A-C re <u>30</u> Memorandum in Opposition to Motion by NBC Universal, Inc., Bravo Networks. (not scanned because of size,document is available at the clerks office) (Johnson, Jay) (Entered: 06/15/2005)
06/14/2005	● <u>32</u>	AFFIDAVIT of Frances Berwick in Opposition re <u>29</u> MOTION to Compel. (Johnson, Jay) (Entered: 06/15/2005)
06/14/2005	● <u>33</u>	AFFIDAVIT of Todd Saypoff in Opposition re <u>29</u> MOTION to Compel. (Johnson, Jay) (Entered: 06/15/2005)
06/14/2005	● <u>34</u>	RESPONSE to Motion re <u>29</u> MOTION to Compel filed by Rainbow Programming Holdings, Inc.. (Johnson, Jay) (Entered: 06/15/2005)
06/14/2005	● <u>35</u>	DECLARATION of Laura M. Vasey re <u>34</u> Response to Motion by Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3) (Johnson, Jay) (Entered: 06/15/2005)

06/14/2005	● <u>36</u>	MOTION for Leave to File Faxed Copy of Declaration of John Huffman by Rainbow Programming Holdings, Inc.. (Attachments: # (1) Fax)(Johnson, Jay) Additional attachment(s) added on 6/16/2005 (Johnson, Jay). (Entered: 06/15/2005)
06/16/2005	●	Documents terminated: <u>36</u> MOTION for Leave to File Faxed Copy (Original has since been filed w/the court). filed by Rainbow Programming Holdings, Inc.,. (Johnson, Jay) (Entered: 06/16/2005)
06/16/2005	● <u>37</u>	DECLARATION of John Huffman re <u>34</u> Response to Motion by Rainbow Programming Holdings, Inc.. (Johnson, Jay) (Entered: 06/16/2005)
06/17/2005	●	Judge Rya W. Zobel : Electronic ORDER entered granting in part and denying in part <u>29</u> Motion to Compel. "Allowed as to Requests 5,6,13,18,31 and Interrogatories 18,20,21,22 to the extent only that defendants have the documents or information and have not already produced it. Costs of reproducing tapes are for plaintiff. Denied as to Request 32 and Interrogatory 19." (Johnson, Jay) (Entered: 06/17/2005)
06/17/2005	● <u>38</u>	NOTICE of addendum to plaintiffs 5/31/05 motion to compel by Frank Quaglia (Johnson, Jay) (Entered: 06/21/2005)
07/01/2005	● <u>39</u>	MOTION for Leave to File facsimile copy of declaration of Debbie DeMontreux by Rainbow Programming Holdings, Inc.. (Flaherty, Elaine) (Entered: 07/05/2005)
07/01/2005	● <u>40</u>	Response by NBC Universal, Inc., Bravo Networks to <u>38</u> Notice addendum to his motion to compel(Other, filed. (Flaherty, Elaine) (Entered: 07/05/2005)
07/01/2005	● <u>41</u>	Response by Rainbow Programming Holdings, Inc. to <u>38</u> Notice addendum to motion to compel, filed. (Other). (Flaherty, Elaine) (Entered: 07/05/2005)
07/22/2005	● <u>42</u>	JOINT MOTION for Summary Judgment by Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc..(Johnson, Jay) (Entered: 07/25/2005)
07/22/2005	● <u>43</u>	MEMORANDUM in Support re <u>42</u> MOTION for Summary Judgment filed by Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u>)(Johnson, Jay) (Entered: 07/25/2005)
07/22/2005	● <u>44</u>	STATEMENT of facts re <u>42</u> MOTION for Summary

		Judgment. (Johnson, Jay) (Entered: 07/25/2005)
07/22/2005	● <u>45</u>	DECLARATION of Barry Slotnick re <u>42</u> MOTION for Summary Judgment. (Exhibits A-Y not scanned because of size) (Johnson, Jay) (Entered: 07/25/2005)
08/04/2005	● <u>46</u>	Opposition re <u>42</u> MOTION for Summary Judgment filed by Frank Quaglia. (Johnson, Jay) (Entered: 08/05/2005)
08/04/2005	● <u>47</u>	Supporting Documents to Opposition #46 re <u>42</u> MOTION for Summary Judgment filed by Frank Quaglia. (3 ring binder, 2 VHS TAPES) (Johnson, Jay) (Entered: 08/05/2005)
08/19/2005	● <u>48</u>	REPLY to Response to Motion re <u>42</u> MOTION for Summary Judgment filed by Frank Quaglia. (Attachments: # <u>1</u> declaration of Debbie DeMontreux# <u>2</u> declaration Barry I. Slotnick)(Johnson, Jay) (Entered: 08/22/2005)
08/25/2005	●	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Motion Hearing held on 8/25/2005 re <u>42</u> MOTION for Summary Judgment filed by National Broadcasting Company, Inc., Bravo Networks,, Rainbow Programming Holdings, Inc., Judge takes matter under advisement; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 08/26/2005)
09/12/2005	● <u>49</u>	TRANSCRIPT of Hearing held on August 25, 2 005 before Judge Zobel. Court Reporter: Catherine A. Handel. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/261-0555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 09/12/2005)
11/03/2005	●	Judge Rya W. Zobel : ElectronicORDER entered granting <u>39</u> Motion for Leave to File (Urso, Lisa) (Entered: 11/03/2005)
03/21/2006	● <u>50</u>	Judge Rya W. Zobel : ORDER entered granting <u>42</u> Motion for Summary Judgment. Judgment may be entered for defendants. (Urso, Lisa) (Entered: 03/21/2006)
03/21/2006	● <u>51</u>	Judge Rya W. Zobel : ORDER entered. JUDGMENT in favor of DEFENDANTS against PLAINTIFF(Urso, Lisa) (Entered: 03/21/2006)
04/04/2006	● <u>52</u>	MOTION for Attorney Fees & Costs by NBC Universal, Inc., Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc..(Albano, Jonathan)

		(Entered: 04/04/2006)
04/04/2006	● <u>53</u>	MEMORANDUM in Support re <u>52</u> MOTION for Attorney Fees & <i>Costs</i> filed by NBC Universal, Inc., Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u> # <u>2</u>)(Albano, Jonathan) (Entered: 04/04/2006)
04/04/2006	● <u>54</u>	AFFIDAVIT in Support re <u>52</u> MOTION for Attorney Fees & <i>Costs of Barry I. Slotnick</i> filed by NBC Universal, Inc., Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u>)(Albano, Jonathan) (Entered: 04/04/2006)
04/04/2006	● <u>55</u>	AFFIDAVIT in Support re <u>52</u> MOTION for Attorney Fees & <i>Costs of Daniel M. Kummer</i> filed by NBC Universal, Inc., Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u>) (Albano, Jonathan) (Entered: 04/04/2006)
04/04/2006	● <u>56</u>	AFFIDAVIT in Support re <u>52</u> MOTION for Attorney Fees & <i>Costs of Jonathan M. Albano</i> filed by NBC Universal, Inc., Bravo Networks, National Broadcasting Company, Inc., Rainbow Programming Holdings, Inc.. (Attachments: # <u>1</u> # <u>2</u>) (Albano, Jonathan) (Entered: 04/04/2006)
04/18/2006	● <u>57</u>	NOTICE OF APPEAL by Frank Quaglia. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/8/2006. (Attachments: # <u>1</u> Exhibit 1-18) (Sonnenberg, Elizabeth) (Entered: 04/18/2006)
04/18/2006	●	Filing fee: \$ 455.00, receipt number 71871 for <u>57</u> Notice of Appeal, (Sonnenberg, Elizabeth) (Entered: 04/18/2006)
04/18/2006	● <u>58</u>	Opposition re <u>52</u> MOTION for Attorney Fees & <i>Costs</i> filed by Frank Quaglia. (Sonnenberg, Elizabeth) (Entered: 04/18/2006)